

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Joel Melnick, et al.

Serial No.: 10/524,376

Filed: May 17, 2004

Title: SHORTENING OF HOSPITAL STAY AND  
IMPROVING SURVIVAL IN PATIENTS WITH  
CHRONIC KIDNEY DISEASE

Examiner: Sahar Javanmard.

Group Art No.: 1617

Case No.: 6963USO1

Confirmation No. 8833

**Certificate of Mailing Under 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being electronically transmitted, facsimile transmitted or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date of Deposit: December 6<sup>th</sup>, 2007

/Sherell Brownlee-Davis/  
Sherell Brownlee-Davis

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

The following is in response to the Restriction Requirement e-mailed November 30, 2007.

The Examiner has required restriction of the application to one of the groups of claims under 35 U.S.C. § 121 and 372. The Applicants, by their attorney, now elect the claim of Group I claim(s) 1-5, are drawn to a formulation containing a therapeutically effective amount of at least on Vitamin D compound or analog.

**Remarks**

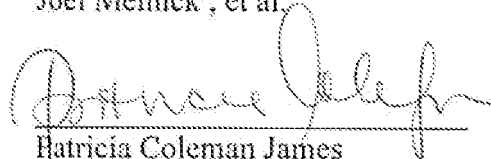
Applicants request consideration of the above-referenced patent application.

Applicants believe that they do not owe any fee(s) for this response to restriction requirement. If, however, Applicants do owe such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **01-0025**. In addition, if there is ever any fee deficiency or overpayment under 37 C.F.R. §1.16 or §1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **01-0025**.

Applicants request that the Examiner call the undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

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Respectfully submitted,  
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